

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201904104	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/02/2019 5:09 PM	Location of Incident: Essex Street and Delancey Street	Precinct: 07	18 Mo. SOL 11/2/2020	EO SOL 6/19/2021	
Date/Time CV Reported Thu, 05/02/2019 5:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/13/2019 11:06 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Burbran Pierre	00830	949485	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jeffrey Liu	26856	948235	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Burbran Pierre	Abuse: Police Officer Burbran Pierre made a sexually suggestive gesture towards § 87(2)(b)	

### Case Summary

On May 2, 2019, § 87(2)(b) called the IAB Command Center and filed this complaint, which was subsequently received at the CCRB on May 13, 2019.

On May 2, 2019, at approximately 5:09 p.m., § 87(2)(b) walked with her partner, § 87(2)(b) in the vicinity of Essex Street and Delancey Street in Manhattan, where PO Burbran Pierre and his partner, PO Jeffrey Liu, both from the 7<sup>th</sup> Precinct, were seated in their parked vehicle. PO Pierre allegedly waved to § 87(2)(b) in a sexual manner (**Allegation A - Abuse of Authority: Sexual Misconduct - Sexual Harassment, Gesture,** § 87(2)(g) § 87(2)(b) was not arrested or issued a summons as a result of the incident.

No video footage was recovered in this case.

### Findings and Recommendations

#### Allegation (A) Abuse of Authority: Police Officer Burbran Pierre made a sexually suggestive gesture towards § 87(2)(b)

It is undisputed that PO Pierre waved to and said nothing to § 87(2)(b) during the incident.

§ 87(2)(b) stated to the CCRB (Board Review 01) that as PO Pierre waved at her, he made eye contact with her and smiled. § 87(2)(b) thought that the wave was sexual in nature due to the manner in which he slowly lowered each finger in a “stroking” manner, the nature of his smile, and because she “felt like” it was sexual. § 87(2)(b) informed PO Pierre that she would “report” him, and PO Pierre laughed in a manner § 87(2)(b) thought to be “belittling.”

§ 87(2)(b) stated to the CCRB (Board Review 02) that when she first saw PO Pierre, he made an “inappropriate” and “smug” facial expression towards § 87(2)(b) in that he smirked and waved at her for approximately a “split second” in the manner of a “cat call” such that his fingers were individually and slowly “trailing,” starting with the pinky finger and moving towards the index finger. § 87(2)(b) did not see any interaction that had occurred between PO Pierre and § 87(2)(b) prior to this.

PO Pierre stated to the CCRB (Board Review 03) that his attention was first drawn to § 87(2)(b) when he heard her yelling, the content of which he did not hear. PO Pierre thought that § 87(2)(b) may have been yelling at § 87(2)(b). PO Pierre looked at § 87(2)(b) who waved at him. PO Pierre waved back to her by holding an open palm towards her and sweeping his hand from right to left. PO Pierre waved to § 87(2)(b) because she had waved to him and for no other reason. PO Pierre had no further interaction with § 87(2)(b). PO Pierre did not discuss § 87(2)(b) or his interaction with her with PO Liu after this.

PO Liu’s statement to the CCRB (Board Review 08) did not contribute additional evidence to the investigation beyond those reflected in the undisputed facts.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
- PO Pierre has been a member-of-service for eight years and has been a subject in five CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of June 6, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date